

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Wednesday Evening, July 10, 2013, at 8:00 p.m., in the Court Room of the Municipal Building.

Members Present

Mark I. Fisher, Chairman
Ernest Fiore
Michael Strone
Steven Lowenthal
Paul Valentine

Members Absent

Paul Katz
William Harold

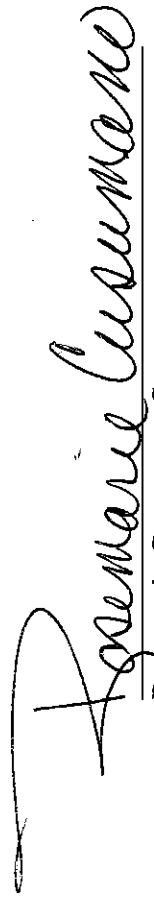
The Chairman called the meeting to order at 8:00 p.m.

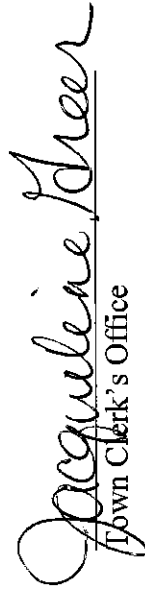
| <u>Cal. #</u> | <u>Applicant</u> | <u>Block</u> | <u>Lot</u> | <u>Decision</u> |
|---------------|--------------------------|--------------|------------|--|
| Z13-006 | Vasilios Skamangas | 223 | 39 | Not Heard – Adjourned to the September Meeting |
| Z13-008 | James Goulas | 703 | 47 | Not Heard – Adjourned to The September Meeting |
| Z13-014 | Brenda Fitzgerald | 444 | 47 | Variance Granted |
| Z13-016 | Maeve & William Fegan | 567 | 30 | Heard – Closed – Findings being prepared |
| Z13-017 | Greg & Ashley Jakubowsky | 543 | 7 | Heard – Closed – Findings Being prepared |
| Z13-018 | Harrison Executive Park | 602 | 2 | Heard – Variance Extension Granted |
| Z13-019 | Archibald & Boragine | 508 | 20 | Heard – Adjourned to the September Meeting |
| Z13-020 | Gary Brandt | 592 | 9 | Not Heard – Adjourned to the September Meeting |
| Z13-021 | Lisa Davidoff | 312 | 15 | Heard – Closed – Findings being prepared |

The next meeting was scheduled to August 8, 2013.

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There being no further business to come before the Board, on a Motion duly made and seconded, the meeting was declared adjourned.


 Rosemarie Cusumano, Secretary


 Town Clerk's Office

**BOARD OF ZONING APPEALS
TOWN/VILLAGE OF HARRISON, NEW YORK**

Calendar No. Z13-013

Date: July 10, 2013

Property Owner: Brenda Fitzgerald

Property Address: 178 Sunny Ridge Road
Harrison, New York 10528

Block 444 Lot #47

WHEREAS, the applicant, the property owner, applied for a Building Permit and that application was denied by a determination of Harrison's Building Inspector (the administrative official charged with the enforcement of Harrison's Town Code, Chapter 235 (Zoning)) that the application did not strictly comply with the Code's requirements; and

WHEREAS, Brenda Fitzgerald filed an application on April 25, 2013, for an area variance from the Zoning Ordinance to permit the location of a generator within the required side yard at the premises located in an R-1/3 Zoning District. The Code of the Town/Village of Harrison, Sec. 235-9B Table of Dimensional Regulations for the Residence Districts requires a side yard setback of 15 feet in an R-1/3 zone. The proposed generator is located approximately 10 feet from the property line requiring a variance of 5 feet.

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, at the Municipal Building, 1 Heineman Place, Harrison, New York, at 8:00 p.m. on June 12, 2013, after due notice and publication pursuant to Town Law 267-a(7), at which the following members were either present or indicated that they had listened to tapes of the meeting: Mark Fisher, Ernest Fiore, Michael Strone, Steven Lowenthal, William Harold, and Paul Valentine.

WHEREAS, Board Members had inspected the site; and

WHEREAS, at said Hearing, the applicant appeared in support of the variance; all those who desired to be heard were heard and the Board reviewed the documents submitted to it; and

WHEREAS, the Board reviewed all testimony and documents submitted and have carefully considered:

- (A) the benefits to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of neighborhood or community by such grant;

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- (B) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
- (C) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- (D) whether the requested variance is substantial;
- (E) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- (F) whether the alleged difficulty was self-created.

WHEREUPON, the Board found after due deliberation based upon the testimony and documents submitted and its site visit pursuant to town law, Section 267-a and 267-b and Harrison Town Code Section 235-56, et seq., it has jurisdiction to consider the requested variances.

The Board found that:

1. The generator will be located adjacent to an existing air conditioning unit and no closer to the side yard from the air conditioning unit.
2. The generator will be screened from the adjacent property and, accordingly, will have no visual impact on that property.

NOW THEREFORE BE IT RESOLVED that the application for a variance to permit a generator to be located 10 feet from the side yard property line as indicated in the plans submitted with this application be, and the same is hereby granted subject to the following conditions:

Except as specifically set forth above, nothing herein shall be construed to indicate this Board's approval of any architectural, design, or structural elements of the submitted plan.

This variance shall lapse unless construction begins within one year from the date this variance is recorded in the Clerk's Office and is completed no more than two years from said date.

Construction shall be deemed to have begun when all required footings and foundations have been completed, or when actual work of a substantial nature has begun on projects that do not require footings or foundations. Site preparation shall not satisfy the terms of this condition. Construction shall be deemed to have been completed when the Building Department has issued a Certificate of Occupancy.

An application for an extension of these periods may be granted by the Board of Zoning Appeals if good cause is shown by the applicant and, if in the Board's judgment, the facts and circumstances which existed at the time of the original application have not materially changed.

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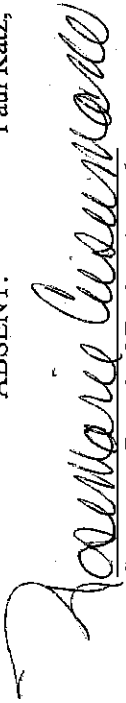
Foregoing Resolution submitted by Michael Strone, seconded by Ernest Fiore at the meeting on July 10, 2013.

ADOPTED: AYES: Mark Fisher, Ernest Fiore, Michael Strone, Steven Lowenthal, and Paul Valentine

NAYS: None

ABSTAINED: None

ABSENT: Paul Katz, William Harold


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

THIS IS NOT A BUILDING PERMIT. A Building Permit must be obtained from the Building Inspector before any work is started. Other permits or approvals may also be required before work starts. If you have any questions, please call the Building Department at (914) 670-3054, 670-3055 or 670-3056.

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